

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Donald A. Lord,

Plaintiff,

-against-

City of New York et al.,

Defendants.

USDC SDNY
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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/30/2023

1:20-cv-03890 (LTS) (SDA)

ORDER

**STEWART D. AARON, United States Magistrate Judge:**

Following a telephone conference with the parties it is hereby Ordered as follows:

1. No later than May 15, 2023, Plaintiff shall comply with the Court's February 10, 2023 and March 13, 2023 Orders (ECF Nos. 175 & 177) by:
  - a. Producing to Defendants responsive emails by either (a) downloading responsive emails onto a flash drive and mailing the flash drive in an envelope addressed to: Stephen Kitzinger, New York City Law Department, 100 Church Street, New York, NY 10007;<sup>1</sup> OR (b) printing out copies of responsive emails and mailing them to Mr. Kitzinger at the same address; AND
  - b. Emailing to Defendants' counsel responses to: (a) Project Renewal Defendants' Interrogatory No. 14, which asks him to "[i]dentify each and every person whom Plaintiff intends to call as a witness at the trial of this matter" and for each witness,

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<sup>1</sup> If Plaintiff provides such a flash drive and if the Law Department is unable to safely download the contents of the flash drive, Mr. Kitzinger shall file a letter to the ECF docket—along with a sworn declaration from a responsible person in the Law Department's Information Technology Division stating that the contents could not safely be downloaded—seeking relief from the Court's Order. Otherwise, Mr. Kitzinger promptly shall provide the flash drive contents to counsel for the other Defendants.

to "include his/her name, address and telephone number, and provide a summary of his/her anticipated testimony" (see ECF No. 167-1, at 18); and (b) the City Defendants' Interrogatory No. 3, which asks him to "[i]dentify all witnesses to the incident(s) which [he] allege[s] that the City of New York or Kadaza Johnson violated [his] rights as described in the [Second Amended Complaint]." (See ECF No. 168-1, at 4.) The subject line for Plaintiff's email setting forth the foregoing responses shall be "Responses to Interrogatories" and the email shall be sent to all Defendants.

2. Plaintiff is warned that if he fails to comply with this Order by the May 15, 2023 deadline, he shall be precluded from using in this action any responsive emails not produced to Defendants and from utilizing testimony from any witnesses not identified in the interrogatory responses required by paragraph 1(b) above. *See Fed. R. Civ. P. 37(b), (c).*

3. The parties are directed to appear for a telephone conference on Wednesday, May 17, 2023, at 2:00 p.m. to discuss the status of this action. At the scheduled time, the parties shall each separately call (888) 278-0296 (or (214) 765-0479) and enter access code 6489745.

A copy of this Order will be emailed to Plaintiff (at the email address on the docket as well as to arthurbad66@gmail.com) by Chambers.

**SO ORDERED.**

Dated:           New York, New York  
                  March 30, 2023

*Stewart D. Aaron*

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STEWART D. AARON  
United States Magistrate Judge